

Wisconsin Administrative Register

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Questions, comments, or corrections should be directed to:

Bruce Hoesly (608) 266-7590
email: bruce.hoesly@legis.wisconsin.gov

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Emergency Rules Now in Effect

Under s. 227.24, Stats., state agencies may promulgate rules without complying with the usual rule-making procedures. Using this special procedure to issue emergency rules, an agency must find that either the preservation of the public peace, health, safety or welfare necessitates its action in bypassing normal rule-making procedures.

Emergency rules are published in the official state newspaper, which is currently the Wisconsin State Journal. Emergency rules are in effect for 150 days and can be extended up to an additional 120 days with no single extension to exceed 60 days.

Occasionally the Legislature grants emergency rule authority to an agency with a longer effective period than 150 days or allows an agency to adopt an emergency rule without requiring a finding of emergency.

Extension of the effective period of an emergency rule is granted at the discretion of the Joint Committee for Review of Administrative Rules under s. 227.24 (2), Stats.

Notice of all emergency rules which are in effect must be printed in the Wisconsin Administrative Register. This notice will contain a brief description of the emergency rule, the agency finding of emergency or a statement of exemption from a finding of emergency, date of publication, the effective and expiration dates, any extension of the effective period of the emergency rule and information regarding public hearings on the emergency rule.

Copies of emergency rule orders can be obtained from the promulgating agency. The text of current emergency rules can be viewed at www.legis.state.wi.us/rsb/code.

Beginning with rules filed with the Legislative Reference Bureau in 2008, the Legislative Reference Bureau will assign a number to each emergency rule filed, for the purpose of internal tracking and reference. The number will be in the following form: EmR0801. The first 2 digits indicate the year of filing and the last 2 digits indicate the chronological order of filing during the year.

Children and Families

Family and Economic Security, Chs. DCF 101–153

EmR0906 — Rule adopted revising **ss. DCF 120.05, 120.07 and 120.08**, relating to emergency assistance for needy families.

Finding of Emergency

The Department of Children and Families finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

The recent large increase in foreclosures has caused tenants living in rental properties that are in foreclosure to lose their housing. Under the current rule, these tenants are not eligible for Emergency Assistance due to impending homelessness and would only be able to receive assistance if they became homeless. This emergency rule will allow these tenants to receive assistance for impending homelessness and avoid the additional expense and trauma of homelessness.

The current maximum payment amounts for Emergency Assistance due to homelessness and impending homelessness

are insufficient to allow a smaller family to obtain or retain a permanent living accommodation. Increasing the payments for smaller households immediately will help them obtain or retain a permanent living accommodation with fewer resources from other sources and may prevent homelessness for these families.

The current rule has no maximum payment amount for Emergency Assistance due to an energy crisis. All other categories of assistance have a maximum payment based on group size. This emergency rule requires that families first exhaust resources available through the Wisconsin Home Energy Program and sets a maximum payment amount for assistance available for Emergency Assistance due to energy crisis to make better use of the program's limited funds.

Publication Date: April 9, 2009

Effective: April 22, 2009 through
September 18, 2009

Hearing Date: June 11, 2009

(See the Notice in this Register)

Commerce

Fee Schedule, Ch. Comm 2

EmR0837 — Rule adopted revising **s. Comm 2.68**, relating to public swimming pool and water attraction plan review and inspection fees.

Finding of Emergency

The Department of Commerce finds that an emergency exists within the state of Wisconsin and that adoption of an emergency rule is necessary for the immediate preservation of the public health, safety and welfare. A statement of the facts constituting the emergency is as follows.

1. Implementation of the federal Virginia Graeme Baker Pool and Spa Safety Act necessitates most existing public swimming pools and water attractions to undergo physical modifications to reduce the risk of entrapment at suction outlets.

2. The Virginia Graeme Baker Pool and Spa Safety Act has a compliance date of December 19, 2008.

3. The department estimates that 3,700 existing pools and water attractions will need to be modified in order to comply with the federal act.

4. The current department plan review fees and inspection fees under s. Comm 2.68 reflect an estimated average time and cost to provide those services. For the types of pool and water attraction modifications necessary to comply with the Virginia Graeme Baker Pool and Spa Safety Act, the department believes that the time and cost to provide the service will be below the averages reflected under the current fee structure of section Comm 2.68.

5. The department believes that a temporary fee reduction to facilitate plan review and inspection relative to the Virginia Graeme Baker Pool and Spa Safety Act is in alignment with the direction provided under s. 101.19, Stats., of keeping fees consistent with the costs of providing service.

Publication Date: December 15, 2008
Effective: December 15, 2008 through May 13, 2009
Hearing Date: January 8, 2009
Extension Through: July 12, 2009

Commerce

Licenses, Certifications and Registrations, Ch. Comm 5 Wis. Commercial Building Code, Chs. Comm 60–66

EmR0904 — Rule adopted revising ss. **Comm 5.30 and 61.295**, relating to building contractor registration.

Finding of Emergency

The Department of Commerce finds that an emergency exists within the state of Wisconsin and that adoption of an emergency rule is necessary for the immediate preservation of the public health, safety and welfare. A statement of the facts constituting the emergency is as follows:

1. Under Chapter 560 of the Statutes, the department of commerce is charged with facilitating the establishment and retention of business enterprises in Wisconsin, and with seeking closer cooperation and coordination between units of state government, so that the economy of the state may continue to develop fully and meet citizen and community needs.

2. Under Chapters 101 and 145 of the statutes, the department of commerce has oversight over the design, construction, alteration and maintenance of public buildings and places of employment, one- and two- family dwellings, public swimming pools and public water attractions in order to protect public safety, health and welfare and the waters of the state.

3. The department has proposed an administrative rule that would require the registration of various types of building contractors not already credentialed by the department under existing administrative rules. Under the proposed rules contractors must be registered with the department by January 1, 2010. A public hearing on that proposal was held on January 21, 2009.

4. The proposed rule has three main benefits to Wisconsin: first, it will enhance the department’s ability to communicate with and educate building contractors throughout the state about their obligations to limit safety and health risks for the citizens of Wisconsin; second, it will enhance the ability of the department to cooperate and coordinate with the Department of Workforce Development relative to their administration of unemployment insurance and workers compensation insurance programs; and third, it will enhance the ability of the department to cooperate and coordinate with the Department of Revenue relative to their administration of the state income tax program.

5. Due to the current economic circumstances, the department has determined that the implementation for building contractor registration should be July 1, 2009 in order for the benefits to be in effect for the 2009 building construction season.

Publication Date: March 2, 2009
Effective: March 2, 2009 through July 29, 2009
 (except ss. Comm 5.30 (1) and 61.295 (2))
Effective: July 1, 2009 through November 27, 2009
Hearing Date: March 31, 2009

Commerce

Elevators, Escalators and Lift Devices, Ch. Comm 18

EmR0901— Rule adopted repealing **s. Comm 18.1702 (8)**, relating to a wear and fatigue monitoring system and a device that protects against suspension loss for electric traction elevators that use smaller sized wire ropes.

Finding of Emergency

The Department of Commerce finds that an emergency exists within the state of Wisconsin and that adoption of an emergency rule is necessary for the immediate preservation of the public health, safety and welfare. A statement of the facts constituting the emergency is as follows.

1. The recent revision of chapter Comm 18, Elevators, Escalators and Lift Devices, references and adopts the 2007 edition of the national standard ASME A17.1, developed by the American Society of Mechanical Engineers. Effective January 1, 2009, the regulations include a provision, s. Comm 18.1702 (8), that requires a wear and fatigue monitoring system and a device that protects against suspension loss for electric traction elevators using smaller sized wire ropes.

2. The department included the wear and fatigue monitoring system and protection device requirements in anticipation that the next edition of the national ASME A17.1 standard would incorporate a similar provision. The department developed s. Comm 18.1702 (8) based on code language being proposed by the national standard ASME A17.1 Committee.

3. The wear and fatigue monitoring system and the device to protect against suspension loss were not incorporated into the next version of the ASME A17.1. The ASME A17.1 Committee withdrew the section because of implementation concerns, and at this time it is unclear what the final section on suspension ropes and their connections in elevators will include.

4. Because the department adopts by reference the national standard ASME A17.1, it recognizes that without promulgating this emergency rule, there could be confusion in what constitutes recognized safe practices for a monitoring system and protection against suspension loss for electric traction elevators. The department believes that repealing s. Comm 18.1702 (8) will keep the Wisconsin code in alignment with the most current edition of ASME A17.1 and still promote safety.

Publication Date: February 5, 2009
Effective: February 5, 2009 through July 4, 2009
Hearing Date: March 2, 2009

Commerce

Uniform Dwelling, Chs. Comm 20–25 Wisconsin Commercial Building Code, Chs. Comm 60–66

EmR0826 — Rules adopted to renumber **s. Comm 66.0911**; to amend **s. Comm 20.24 (1) and (2)**; and to create **ss. Comm 21.095, 20.24 Table 20.24–14, 62.1200, 62.3500 (3) (e), 66.0911 (title) and (2)**, relating to carbon monoxide alarms and affecting small business.

Exemption From Finding of Emergency

Under the nonstatutory provisions of 2007 Wisconsin Act 205, the Department of Commerce is directed to issue emergency rules that implement provisions of the Act. The Act specifically states: “Notwithstanding section 227.24 (1)

(a) and (3) of the statutes, neither the department of commerce or the department of health services is required to provide evidence that promulgating rules under this subsection as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for the rules promulgated under this subsection.”

The Act mandates the installation and maintenance of carbon monoxide alarms in buildings accommodating certain types of residential occupancies and within which fuel burning appliances are located. Residential occupancies include tourist rooming houses, bed and breakfast establishments, and any public building that is used for sleeping or lodging, such as, hotels, motels, condominiums, apartment buildings, dormitories, fraternities, sororities, convents, seminaries, community based residential facilities, home shelters, but not hospitals and nursing homes. The Act requires the installation of carbon monoxide alarms in new buildings as of October 1, 2008. The owners of existing buildings will have until April 1, 2010 to install the carbon monoxide alarms. The Act also provides for the omission of carbon monoxide alarms in certain instances which are further clarified by the administrative rules.

Publication Date: September 10, 2008
Effective: October 1, 2008 through the date permanent rules become effective
Hearing Date: October 14, 2008

Financial Institutions — Banking

EmR0907 — Rule adopted to create **Chapter DFI–Bkg 47 and to repeal Chapter DFI–Bkg 41**, relating to the transition from a registration system to a license system.

Exemption From Finding of Emergency

The legislature by section 9117 of 2009 Wisconsin Act 2 provides an exemption from a finding of emergency for the adoption of the rule.

Publication Date: May 4, 2009
Effective: *Section 1:* 5–4–09 through 7–1–11
Section 2: 9–1–09 through 7–1–11
Section 3: 1–10–10 through 7–1–11
Hearing Date: June 10, 2009)

Government Accountability Board

EmR0902 — Rule adopted amending **s. GAB 6.05**, relating to filing campaign finance reports in electronic format.

Finding of Emergency

The Government Accountability Board amends s. GAB 6.05, Wis. Adm. Code, relating to filing campaign finance statements in electronic format. The amended rule creates a uniform requirement and restricts registrants to an “electronic format” compatible with the Board’s electronic filing system for filing campaign finance reports.

Pursuant to s. 227.24, Stats., the Government Accountability Board finds an emergency exists because the Board’s January 18, 2008 decision to implement the use of a

new electronic filing system, and the technical requirements thereof, conflicts with the technical electronic format filing permitted by the previous rule. In effect, the current electronic filing system cannot work without a uniform and restricted electronic format that is compatible with the new electronic filing system.

The Board adopts the legislature’s policy findings of s. 11.001, Stats., emphasizing that one of the most important sources of information to voters about candidates is available through the campaign finance reporting system. The Board further finds that it is necessary to codify a uniform electronic format filing requirement to ensure the proper operation of the current electronic filing system so that the campaign finance information is available to voters. The amended rule, GAB 6.05, must be adopted immediately to ensure the public peace and welfare with respect to the administration of current and future elections.

Publication Date: February 5, 2009
Effective: February 5, 2009 through July 4, 2009
Hearing Date: March 20, 2009

Health Services (2)

(Formerly Health and Family Services)
Management & Technology & Strategic Finance,
Chs. HFS (DHS) 1—

- EmR0832** — Rule adopted to repeal **s. HFS (DHS) 12.03 (15) and to create ss. HFS (DHS) 12.03 (20m), 12.115 and Table HFS (DHS) 12.115**, relating to background checks of individuals who provide personal care services, and affecting small businesses.

Finding of Emergency

The Department of Health Services finds that an emergency exists and that the adoption of an emergency rule is necessary for the immediate preservation of the public health, safety and welfare. The facts constituting the emergency are as follows:

2007 Wisconsin Act 172 requires the department to specify by rule, the crimes, a conviction of which an entity must disclose to a client or a client’s guardian before the caregiver provides the client with personal care services in the client’s home. Act 172 also requires the department to define the term “substitute caregiver”. Under s. 50.065 (2m) (d), Stats., as created by 2007 Wisconsin Act 172, the department created a list of crimes required and also as required defined the term “substitute caregiver”.

Effective November 1, 2008, entities, including home health agencies and temporary employment agencies, are required under s. 50.065 (2m) (d), Stats., to disclose to the client or the client’s guardian, the assigned caregiver’s convictions of crimes specified by the department by rule.

Publication Date: October 20, 2008
Effective: November 1, 2008 through March 30, 2009
Hearing Date: January 6, 2009
Extension Through: May 29, 2009

- EmR0834** — Rules adopted amending **s. HFS (DHS) 10.23 (2) (d) 2.**, relating to confidentiality requirements of the Family Care program that prohibit benefit specialists from disclosing personally identifying information about a client without the client’s informed consent, unless required by law.

Finding of Emergency

The Department of Health Services finds that an emergency exists and that adoption of an emergency rule is necessary for the immediate preservation of the public health, safety and welfare. The facts constituting the emergency are as follows:

Chapter HFS 10 is the department’s rule that guides the implementation of the department’s Family Care program. Included in these provisions are standards for confidentiality which prohibit disability benefit specialists from disclosing personally identifying information about a client without the client’s consent unless required by law. Because disability benefit specialists are permissive reporters, and thus not required to report abuse, neglect, or financial exploitation of elder adults and adults at risk under ss. 46.90 (4) (ar) and 55.043 (1m) (br), Stats., s. HFS 10.23 (2) (d) 2., effectively prevents disability benefits specialists from making such disclosures.

Amending s. HFS 10.23 (2) (d) 2., to allow disability benefit specialists to report abuse, neglect, or financial exploitation under ss. 46.90 (4) (ar) and 55.043 (1m) (br), Stats., would help to ensure that elder adults and adults-at-risk who may have been abused, neglected, or financially exploited are brought to the attention of the abuse, neglect and exploitation response systems outlined under ss. 46.90 and 55.043, Stats.

Publication Date: November 3, 2008
Effective: November 3, 2008 through April 1, 2009
Hearing Date: January 27, 2009
Extension Through: May 31, 2009

Pharmacy Examining Board

EmR0903 — A rule adopted repealing s. **Phar 4.02 (2)**, relating to the practical examination.

Finding of Emergency

The Pharmacy Examining Board finds that, under s. 227.24 (1), Stats., the repeal of s. Phar 4.02 (2) is required for the preservation of the public peace, health, safety and welfare.

Currently, under s. Phar 4.02 (2), the board administers a practical examination to determine an applicant’s competence in compounding and dispensing medications, which includes consultation of patients. The board has determined that this examination is no longer needed because the competencies tested in the examination are also tested in two other national examinations that applicants are required to take in order to obtain a license in Wisconsin. The board has also determined that the practical examination requirement may contribute to the shortage of pharmacists in Wisconsin.

First, under s. Phar 4.02 (1) and (3), an applicant is required to take and pass the Multi-State Pharmacy Jurisprudence Examination (MPJE) and the North American Pharmacist Licensure Examination (NAPLEX). Both of these examinations test competencies that relate to subject areas that are also tested in the practical examination. As a result, applicants are required to take an additional examination, and pay an additional examination fee. In some instances, this step may also result in a delay in the processing of applications for licensure.

Second, in reference to the shortage of pharmacists in Wisconsin, the board has found that populations in rural areas and in certain city neighborhoods are underserved. The board believes that, because of its practical examination

requirement, potential applicants from other states are declining to seek licensure in Wisconsin. Wisconsin is one of only four states that require a practical examination. None of the states that border Wisconsin have a practical examination requirement.

Publication Date: February 28, 2009
Effective: February 28, 2009 through July 27, 2009
Hearing Dates: April 8, 2009

Regulation and Licensing (2)

- EmR0827** — Rule adopted **creating s. RL 91.01 (3) (k)**, relating to training and proficiency in the use of automated external defibrillators for certification as a massage therapist or bodyworker.

Exemption From Finding of Emergency

Section 41 (2) (b) of the nonstatutory provisions of 2007 Wisconsin Act 104 provides that notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department of regulation and licensing is not required to provide evidence that promulgating a rule as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated to implement 2007 Wisconsin Act 104. Notwithstanding s. 227.24 (1) (c) and (2) of the statutes, these emergency rules will remain in effect until the date on which the final rules take effect.

Publication Date: September 10, 2008
Effective: September 10, 2008 through the date on which the final rules take effect
Hearing Dates: November 26, 2008 April 13, 2009

- EmR0828** — Rules adopted to **amend s. RL 181.01 (2) (c); and to create ss. RL 180.02 (1m), (3m) and (11), 181.01 (1) (d), (2) (c) 1. and 2.**, relating to training and proficiency in the use of automated external defibrillators for licensure as a licensed midwife.

Exemption From Finding of Emergency

Section 41 (2) (b) of the nonstatutory provisions of 2007 Wisconsin Act 104 provides that notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department of regulation and licensing is not required to provide evidence that promulgating a rule as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated to implement 2007 Wisconsin Act 104. Notwithstanding s. 227.24 (1) (c) and (2) of the statutes, these emergency rules will remain in effect until the date on which the final rules take effect.

Publication Date: September 10, 2008
Effective: September 10, 2008 through the date on which the final rules take effect
Hearing Date: November 26, 2008

Revenue

- EmR0820** — Rule adopted creating ss. **Tax 8.03 and 8.05**, relating to the registration of wine collectors, establishing

standards of eligibility for registration as a wine collector, specifying the form and manner of notice required prior to the sale of wine by a wine collector, and the creation and organization of small winery cooperative wholesalers.

Exemption From Finding of Emergency

The legislature by Section 50 of 2007 Wisconsin Act 85 provides an exemption from a finding of emergency for the adoption of the rule.

Publication Date: June 26, 2008
Effective: June 26, 2008 through July 1, 2010 or the date on which permanent rules take effect, whichever is sooner.

Wisconsin Technical College System Board

EmR0905 — Rule adopted revising **Ch. TCS 17**, relating to training program grant funds appropriated in 2009 Wisconsin Act 2.

Finding of Emergency

The Wisconsin Technical College System Board finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting an emergency is:

The 2009 Wis. Act 2 (the 2007–09 budget repair bill) provided an additional \$1,000,000 GPR to the existing annual appropriation of \$3,000,000 GPR for the training program grants authorized in Wis. Stats. §§ 20.292(1)(eh) and 38.41. These funds were provided to address a critical need of Wisconsin employers for skills training and education necessary to protect the state's economic vitality and health, with a special emphasis on advanced manufacturing and welding.

The Act requires the WTCS Board to award these funds by June 30, 2009 or the end of the current 2008–09 fiscal year. In addition, TCS 17.06(1), *Wis. Adm. Code* requires that district boards or employers receiving skills training or education under the grant shall contribute matching funds, other than in-kind matching funds, equal to at least 25% of total approved project costs.

Due to declining economic conditions and reduced business revenues, technical college districts report that

employers are withdrawing participation in approved training grants because of an inability to fund the 25% match. Therefore, to ensure that business and incumbent workers in need of skills training and other education may access these services and that appropriated funds are distributed to technical college districts for this purpose before the end of the fiscal year, emergency administrative rules eliminating the 25% match requirement must be established immediately.

Publication Date: March 20, 2009
Effective: March 20, 2009 through August 16, 2009

Workforce Development

*Public Works Construction Contracts,
Chs. DWD 290–294*

EmR0838 – Rules adopted revising **s. DWD 290.155 (1)**, relating to the adjustment of thresholds for application of prevailing wage rates.

Finding of Emergency

The Department of Workforce Development finds that an emergency exists and that the rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

Adjusting the thresholds for application of the prevailing wage rate requirements by emergency rule ensures that the adjustments are effective on a date certain that is prior to the time of year that project requests are generally submitted to the Department and applicability of the prevailing wage law is determined. The adjustment avoids imposing an additional administrative burden on local governments and state agencies caused by an effective decrease of the thresholds due solely to inflation in the construction industry. If these new thresholds are not put into effect by emergency rule, the old thresholds will remain effective for approximately six to seven months, until the conclusion of the permanent rule-making process. The thresholds are based on national construction cost statistics and are unlikely to be changed by the permanent rule-making process.

Publication Date: December 29, 2008
Effective: January 1, 2009 through May 30, 2009
Hearing Date: February 12, 2009

Scope Statements

Children and Families

Family and Economic Security, Chs. DCF 101–153
Early Care and Education, Chs. DCF 201–252

Subject

Revises Chapters DCF 101 and 201, relating to Wisconsin Works' and Wisconsin Shares' disregard of temporary census income.

Policy Analysis

The proposed rule will exclude income earned from temporary employment with the U.S. Census Bureau in determining W–2 and child care eligibility and child care copayments. This exclusion will apply for up to 12 weeks per year.

Encouraging W–2 participants to work for the Census Bureau by ensuring that benefits will not be lost is critical to the Census Bureau's work. It is important to the Census to employ workers from neighborhoods that have historically been undercounted. W–2 participants can play vital roles in establishing an accurate count, which affects Wisconsin's congressional representation and federal funding distribution.

Statutory Authority

Sections 49.145 (1), 49.155 (1m), and 227.11 (2) (a), Stats.

Comparison with Federal Regulations

In general, a copayment is required from families receiving a child care subsidy.

Entities Affected by the Rule

Low-income families with children.

Estimate of Time Needed to Develop the Rule

40 hours.

Contact Information

Rose Prochazka
Bureau of Working Families
(608) 267–7398
rose.prochazka@wisconsin.gov

Health Services

Health, Chs. DHS 110—

Subject

Revises Chapter DHS 124, relating to hospital satellite emergency departments and forfeiture assessments for violations of s. 50.375, Stats.

Objective of the Rule

To establish standards for emergency care provided at a satellite location; to specify standards relating to direct forfeiture assessments for a hospital's violation of s. 50.375 (2) or (3), Stats., relating to emergency contraception to

sexual assault victims; to remove the existing rule requirements relating to anatomical gifts and replace the provisions with a cross-reference to the applicable provisions relating to anatomical gifts under s. 157.06 (14m), Stats.; and to include the requirements under s. 50.36, (5), Stats., relating to the training and proficiency of hospital personnel in the use of automated external defibrillators.

Policy Analysis

Increasing interest from hospitals to make emergency care accessible through satellite locations has created the need for regulations for hospital emergency care satellite departments. The department intends to propose standards for the health, safety and welfare of patients receiving care in satellite emergency departments that include standards for provided services and the number and qualifications of personnel. There are no existing rules for hospital emergency care satellite facilities.

The Department also proposes to directly assess forfeitures, as permitted under s. 50.389, Stats., against hospitals that violate s. 50.375 (2) and (3), Stats., relating to emergency contraception for sexual assault victims. The Department proposes to add provisions to the rule that will establish parameters, including factors to consider and forfeiture amounts, for the Department to use when assessing a forfeiture. There are no existing rules relating to forfeiture assessments for a hospital's violation relating to emergency contraception for sexual assault victims.

Statutory Authority

Sections 50.36 (1), (2) (b) and (c), 50.389, and 227.11 (2), Stats.

Comparison with Federal Regulations

Federal conditions of participation in Medicare that apply specifically to hospitals are in 42 CFR Part 482. These regulations establish condition and standards for the operation of hospitals that provide acute care service to patients. State and federal requirement for hospitals both address facility management, medical staff provision of health services and physical environment requirements. State requirement augment more general federal regulation by providing specificity in certain areas.

Entities Affected by the Rule

The entities that may be affected by these proposed rules are hospitals.

Estimate of Time Needed to Develop the Rule

The Department estimates that it will take approximately 1,000 hours of staff time to promulgate the proposed changes to ch. DHS 124.

Contact Information

Pat Benesh
Division of Quality Assurance
(608) 264–9896

Health Services
Health, Chs. DHS 110—

Subject

Revises Chapter DHS 178, relating to campgrounds.

Objective of the Rule

To update rules relating to campgrounds, including removing outdated language and provisions, and adding new language and provisions.

Policy Analysis

The Department of Health Services (Department) licenses and regulates public campgrounds under ch. DHS 178. The Department has not significantly modified ch. DHS 178 since 1985. Since that time, the camping industry has changed significantly.

Statutory Authority

Sections 227.11 (2) (a), 250.04 (7) and 254.47, Stats.

Comparison with Federal Regulations

There appear to be no existing or proposed federal regulations that address the activities to be regulated by the proposed rules.

Entities Affected by the Rule

Campground owners.

Estimate of Time Needed to Develop the Rule

The Department estimates that the work associated with developing and promulgating the proposed rules, including conducting advisory group meetings, will require approximately 500 hours of staff time.

Contact Information

James Kaplanek
Food Safety and Recreational Licensing
(608) 261-8361

Karen Brock
Food Safety and Recreational Licensing
(608) 266-8294

Insurance

Subject

Revises Section Ins 3.39 (34), Wis. Adm. Code, relating to Medicare supplement and replacement insurance guarantee issue events and affecting small business.

Objective of the Rule

The Office of the Commissioner of Insurance is considering revision to s. Ins 3.39 (34), Wis. Adm. Code, as proposed in comment by the State of Wisconsin Board on Aging and Long Term Care dated February 10, 2008. The Office will convene an advisory council to assist in the evaluation of the requested modifications to the guarantee issue provisions within s. Ins 3.39. The issues to be considered for possible amendment to the rule include providing guarantee issue eligibility into Medicare supplement insurance if: beneficiaries lose an entire provider network; beneficiaries exhaust HIRSP benefits; beneficiaries experience an increase in the premium in excess of a certain

percentage or beneficiaries contribution and out-of-pocket expenses exceed a certain percentage of their income.

Policy Analysis

Current regulation provides guarantee issue eligibility for various triggering events consistent with the National Association of Insurance Commissioners Model Acts. The eligibility criteria to be considered are not currently addressed in regulation.

Statutory Authority

Sections 601.41 (3), 601.42, 628.34 (12), 632.76, 632.81, and 632.897, Stats.

Comparison with Federal Regulations

There is no existing state or federal law addressing the Board on Aging and Long Term Care's requested changes to the existing guarantee issue eligibility regulations.

Entities Affected by the Rule

Insurers offering Medicare supplement products and insurance intermediaries soliciting such products may be affected by this rule.

Estimate of Time Needed to Develop the Rule

200 hours and no other resources are necessary

Insurance

Subject

Revises Section Ins 8.49 Appendix 1, Wis. Adm. Code, relating to small employer uniform employee application for group health insurance and affecting small business.

Objective of the Rule

The Office of the Commissioner of Insurance ("Office"), upon recommendation from the Health Advisory Council's recommendation, intends to amend the waiver information contained in section V of the application regarding waiver of coverage. Within this section information is provided to the employee regarding special enrollment events that would permit an employee to elect group health insurance outside the normal open enrollment period. The Children's Health Insurance Program Reauthorization Act of 2009 created two new special enrollment opportunities for employees and dependent children who lose coverage under Medicaid or who become eligible for group health plan premium assistance under Medicaid with 60 day to request enrollment.

Policy Analysis

Section Ins 8.49 Appendix 1, is the uniform application that is completed by employees of small employers offering group health insurance. One section contains the notices regarding special enrollment opportunities for those who decline the offer of insurance in order to obtain coverage in the future. Currently this section does not include the newest enrollment opportunities.

Statutory Authority

Sections 601.41 (8), 601.42, 628.34 (12) and 635.10, Stats.

Comparison with Federal Regulations

The existing information does not contain the newly required information. The federal government has until February 2010 to promulgate rules implementing these new provisions. The Office intends to modify the applications to comply with federal statutory and regulatory requirements.

Entities Affected by the Rule

Insurers issuing small employer group health insurance products and insurance intermediaries soliciting such products may be affected by this rule.

Estimate of Time Needed to Develop the Rule

200 hours and no other resources are necessary

Public Defender**Subject**

Revises Chapter PD 1, relating to the certification criteria and process for private attorneys seeking appointments to represent State Public Defender (SPD) clients in legal proceedings.

Objective of the Rule

Section 977.02 (5), Wis. Stats., requires the SPD to promulgate rules establishing procedures to ensure that representation of clients by private attorneys is at the same level as the representation provided by the state public defender.

These rules may modify certification criteria and procedures to:

- Update and simplify the types and levels of certification.
- Permit the SPD to exercise discretion to certify, recertify, sanction or decertify a private attorney.
- Establish criteria for the exercise of discretion.
- Permit the SPD to consider an attorney's prior disciplinary record and other conduct, in addition to experience and education, when making discretionary decisions.
- Require an attorney to apply for recertification after voluntary removal from any certification list.
- Permit the SPD to require a period of provisional certification.
- Permit the SPD to suspend appointments to an attorney pending an investigation into performance.
- Permit the SPD to disclose comments made during investigations, if those comments are already public.

Policy Analysis

The SPD appoints attorneys to represent financially eligible persons in cases where they have a constitutional right to an attorney at state expense. Due to the ethical rules in SCR Chap. 20 prohibiting conflicts of interest and requiring zealous representation, the SPD appoints some cases to private attorneys who are not employees of the SPD. Because the SPD does not have direct oversight of the legal representation provided in these cases, the SPD uses other means, including certification lists, to ensure that the private attorneys are competent to represent clients in different types of cases.

Currently, the SPD must certify an attorney who meets certain experience and education qualifications. The proposed rules may permit the SPD to consider other attorney conduct in deciding whether to certify an attorney, including prior disciplinary actions, sanctions by the Client Protection Fund, failure to meet performance standards, failure to comply with billing procedures, engaging in questionable billing practices, failure to cooperate with an investigation or to respond to inquiries concerning the representation, and prior investigations and actions against certification status by the SPD. The proposed rules may permit the SPD to suspend

an attorney pending the outcome of an investigation into performance or billing. The proposed rules may require provisional certification of any attorney to allow the SPD to monitor the representation provided to clients. Additionally, the proposed rules may specify that an attorney who was decertified or who was voluntarily removed from certification must apply for recertification. The proposed rules also may allow disclosure of any comments made during an investigation if the comments are already public.

Policy Alternatives

The SPD could abolish the certification list criteria and procedure and directly oversee the representation provided by the private attorneys. However, direct oversight is prohibited by the Supreme Court Rules governing attorney conduct in conflict of interest cases. And in all cases, both logistical barriers and an insufficient number of SPD supervisory attorneys make direct oversight impossible.

The SPD could disregard the conduct of an attorney, or any disciplinary actions taken against an attorney by the Wisconsin Supreme Court, and certify any attorney who meets the education and experience requirements. This alternative impedes the SPD's ability to ensure that the attorneys appointed are competent and qualified.

Statutory Authority

Sections 977.02 (5) and (6), 977.03 (3) and 977.08 (1) to (3), Stats.

Comparison with Federal Regulations

There are no federal regulations concerning the certification requirements for an attorney appointed to provide legal representation in the Wisconsin state courts.

Entities Affected by the Rule

Clients, private attorneys seeking inclusion in the certification lists, circuit and appellate courts, prosecutors.

Estimate of Time Needed to Develop the Rule

The SPD estimates it will take 200 hours of employee time to develop the rule. No other resources are necessary.

Revenue**Subject**

Revises Chapters Tax 1, 2, and 3, relating to modernization of corporation franchise and income tax.

Objectives of the Rule

Reflect the changes in Wisconsin's franchise and income tax laws affected by 2009 Wis. Act 2.

Provide guidance to taxpayers and Department employees so they can properly apply the Wisconsin franchise and income tax laws.

Policy Analysis

Numerous rules must be revised or created in order to reflect changes to Wisconsin corporation franchise and income tax laws affected by 2009 Wis. Act 2. The proposed rule changes relate to the following items:

- A. Addback of Related Entity Expenses
- B. Dividends
- C. Economic Substance
- D. Nexus
- E. Apportionment
- F. Unitary Business

- G. Designated Agent of a Combined Group
- H. Applicability of Federal Consolidated Return Regulations for Combined Groups
- I. Other Issues for Combined Groups
- J. Returns and Forms

Policy Alternatives

If the rules are not changed, they will be incorrect in that they will not reflect current law or current Department policy.

Statutory Authority

Section 227.11 (2), Stats.

Comparison with Federal Regulations

The only item above that has a direct comparison with federal regulations is item H. The Treasury Regulations to section 1502 of the Internal Revenue Code provide extensive guidance for how to account for tax attributes and transactions among members of a consolidated group for federal purposes.

Wisconsin needs to provide guidance in the same areas with respect to members of a Wisconsin combined group.

Entities Affected by the Rule

These changes primarily affect corporations that do business in multiple states or are part of a larger controlled group that does business in multiple states. However, some may affect Wisconsin-only corporations or persons other than corporations.

Estimate of Time Needed to Develop the Rule

The Department estimates it will take approximately 500 hours to develop the rule orders relating to this scope statement.

Contact Information

Dale Kleven
(608) 266-8253
dale.kleven@revenue.wi.gov

Submittal of Rules to Legislative Council Clearinghouse

*Please check the Bulletin of Proceedings – Administrative Rules
for further information on a particular rule.*

Agriculture, Trade and Consumer Protection
CR 09–037

On May 18, 2009, the Department of Agriculture, Trade and Consumer Protection submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises Chapter ATCP 91, relating to

selling commodities by weight, measure or count.

Agency Procedure for Promulgation

A public hearing is required and will be held on June 23, 2009. The Department’s Office of Legal Counsel is primarily responsible for this rule.

Contact Information

Michelle Reinen
Phone: (608) 224–5160

Rule-Making Notices

Notice of Hearing

Agriculture, Trade and Consumer Protection

CR 09-037

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) announces that it will hold a public hearing on a proposed amendment to Chapter ATCP 91, Wis. Adm. Code, relating to selling commodities by weight, measure or count.

Hearing Information

June 23, 2009

Commencing at 9:30 AM

WI Dept. of Agriculture, Trade & Consumer Protection
2811 Agriculture Drive — Board Room, 1st Floor
Madison, WI 53718

Hearing impaired persons may request an interpreter for these hearings. Please make reservations for a hearing interpreter by Monday, June 15, 2009, by writing to Michelle Reinen, Division of Trade and Consumer Protection, P.O. Box 8911, Madison, WI 53708-8911, michelle.reinen@wi.gov, telephone (608) 224-5160. Alternatively, you may contact the DATCP TDD at (608) 224-5058. Handicap access is available at the hearings.

Copies of Proposed Rule

You may obtain a free copy of this proposed rule by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Trade and Consumer Protection, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708. You may also obtain copies by calling (608) 224-5160 or emailing michelle.reinen@wi.gov. Copies will also be available at the hearing. To view the proposed rule online, go to: <http://adminrules.wisconsin.gov>.

Appearances at the Hearing and Submission of Written Comments

DATCP will hold the public hearing at the time and location shown above. DATCP invites the public to attend the hearing and comment on the rule. Following the hearing, the hearing record will remain open until Friday, July 3, 2009 for additional written comments. Comments may be sent to the Division of Trade and Consumer Protection at the address above, by email to michelle.reinen@wi.gov or online at <https://apps4.dhfs.state.wi.us/admrules/public/Home>.

To provide comments or concerns relating to small business, you may also contact DATCP's small business regulatory coordinator Keeley Moll at the address above, or by emailing to Keeley.Moll@datcp.state.wi.us or by telephone at (608) 224-5039.

Analysis Prepared by the Department of Agriculture, Trade and Consumer Protection

The Department of Agriculture, Trade and Consumer Protection (DATCP) currently regulates methods of sale of commodities (including required methods of sale by weight, measure or count). The current rules are designed to ensure fair competition, to prevent unfair and deceptive sales practices, and to facilitate value comparisons by consumers.

Current DATCP rules are contained in ch. ATCP 91, Wis. Adm. Code.

This rule changes current rules to make them consistent with standards published by the National Institute of Standards and Technology ("NIST") and adopted by 45 other states. This rule also updates and clarifies current rule coverage.

Statutes interpreted

Sections 98.06, 98.07 and 100.20, Stats.

Statutory authority

Sections 93.07 (1), 98.07 (3) and (4), and 100.20(2), Stats.

Explanation of agency authority

DATCP has authority to regulate methods of competition and trade practices in business under s. 100.20, Stats. DATCP also administers laws, including ss. 98.06 and 98.07, Stats., related to the pricing and sale of commodities by weight, measure or count.

DATCP has general authority, under s. 93.07 (1), Stats., to interpret laws under its jurisdiction. DATCP may adopt rules (general orders) under s. 100.20 (2), Stats., to regulate methods of competition and trade practices in business. DATCP may also adopt rules under s. 98.07(3) and (4), Stats., related to the pricing and sale of commodities by weight, measure or count.

Related statutes or rules

Statutes

Chapter 97, Stats., regulates the sale and labeling of food, and ch. 98, Stats., regulates commercial weights and measures. Various statutes specify methods of sale for specific commodities. See, for example, the following statutory sections:

- 97.177, Stats. (cheese).
- 97.176 and 97.18, Stats. (butter and margarine).
- 98.06, Stats. (berries and small fruits).
- 98.12, Stats. (frozen desserts).
- 98.21, Stats. (bread).
- 98.225, Stats. (deliveries of liquid fuel).
- 98.245, Stats. (LP gas).
- 98.246 and 100.18(6) and (8), Stats. (petroleum products and motor fuel).

Administrative Code

DATCP has adopted a number of rules affecting the method of sale of commodities. See, for example, the following chapters of the Wisconsin administrative code:

- ATCP 55 (meat and meat food products).
- ATCP 75 (retail food establishments).
- ATCP 81 (cheese grading, packaging and labeling).
- ATCP 85 (butter grading and labeling).
- ATCP 88 (egg grading and labeling).
- ATCP 90 (fair packaging and labeling).
- ATCP 92 (weights and measures).
- ATCP 109 (freezer meat and food service plans).

Rule background

Current DATCP rules (ATCP 91) regulate the sale of commodities by weight, measure or count. The current rules

spell out general standards for all commodities, and more specific standards for some commodities. The current rules do all of the following:

- Require liquid commodities to be sold by liquid measure and nonliquid commodities by weight, with certain exceptions.
- Regulate price declarations by weight, to facilitate accurate price comparisons.
- Specify methods of sale for various food commodities including fruits and vegetables, meat, poultry, cheese, frozen desserts, pizza and “ready to eat” foods.
- Specify methods of sale for various non-food commodities including firewood, roofing material, polyethylene sheeting, potpourri and petroleum products.

NIST has published model method-of-sale standards, which are designed to promote reasonable and uniform standards between the states. However, the NIST standards do not have the force of law unless adopted by the states. At least 45 states have adopted some or all of the NIST standards.

Current DATCP rules are, in some respects, inconsistent with NIST. The Wisconsin statutes also include some requirements that differ from NIST. Within statutory limits, this rule modifies current DATCP rules (ATCP 91) to make them more consistent with NIST. This rule also makes non-substantive changes to reorganize and clarify current rules.

Rule content

Standards for Specific Commodities

NIST has published specific method-of-sale standards for certain commodities (these standards typically address consumer protection or fair competition issues that have arisen in connection with those particular commodities). This rule incorporates current NIST standards for the following commodities (subject, in some cases, to exceptions required by Wisconsin law):

Food products

- Meat, poultry, fish and seafood.
- Dairy products.
- Fresh fruits and vegetables.
- Butter, margarine and like spreads.
- Flour, corn meal and like products.
- Pickles and pickle relish.

Non-food products

- Fence wire.
- Coatings.
- Fireplace and stove wood.
- Peat and peat moss.
- Prefabricated utility buildings.
- Roofing and roofing material.
- Sealants.
- Sod and turf.
- Softwood lumber.
- Carpet.
- Hardwood lumber (retail)
- Polyethylene products.
- Insulation.

- Precious metals.
- Mulch.
- Liquefied petroleum gas.
- Liquid oxygen for respiration.
- Animal bedding.
- Wiping cloths.
- Baler twine.
- Potpourri.
- Communication paper.
- Bulk sand, rock, gravel and stone.

General Standards

This rule incorporates the following general NIST standards (or makes DATCP rules more consistent with those NIST standards):

- Price declarations for food commodities sold from bulk by weight (must be shown per whole unit, not fractional unit, of weight).
- Price presentation (showing fractions of a cent).
- Combination quantity declarations.
- Vending machine labeling.
- Railroad car tare weights.

Comparison with federal regulations

States have the primary responsibility for regulating methods of sale of commodities. The federal government (NIST) has published model method-of-sale standards, to promote effective state regulation and interstate uniformity. But those standards are not legally binding unless adopted by the states.

Comparison with rules in adjacent states

All surrounding states have adopted the NIST standards that DATCP proposes to adopt in this rule.

Standards incorporated by reference

This rule incorporates, by reference, standards contained in *NIST Handbook 130 (2009 edition)*, published by the national institute of standards and technology, United States department of commerce. Pursuant to s. 227.21, Stats., DATCP has requested permission from the Wisconsin Department of Justice to incorporate the standards by reference in this rule. Copies of the standards will be kept on file with DATCP and the Legislative Reference Bureau.

Summary of factual data and analytical methodologies

This rule is based on standards published by NIST, and are based on NIST data and analytical methodologies.

Small Business Impact

This rule will benefit businesses that sell commodities in more than one state, because it incorporates many of the NIST model standards and thus makes Wisconsin standards more consistent with standards used in 45 other states. This rule also reorganizes and clarifies current rules, so they will be easier to read and understand.

This rule adds some new standards to current rules. However, those standards are based on NIST standards with which most affected businesses are already complying. This rule will not have any significant adverse impact on small business or other affected businesses.

Fiscal Estimate

This rule will have no significant fiscal impact on DATCP or local units of government.

Notice of Hearing Children and Families

Family and Economic Security, Chs. DCF 101–153 **EmR0906**

NOTICE IS HEREBY GIVEN that pursuant to ss. 49.138 and 227.11 (2) (a), Stats., the Department of Children and Families proposes to hold a public hearing to consider emergency rules revising Chapter DCF 120, relating to emergency assistance for needy families.

Hearing Information

June 11, 2009 Thursday 1:30 p.m.	MADISON GEF 1 Building 201 E. Washington Avenue Room H204
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Interested persons are invited to appear at the hearing and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their facts, views, and suggested rewording in writing.

If you have special needs or circumstances regarding communication or accessibility at the hearing, please call (608) 267–9403 at least 10 days prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audio format will be made available on request to the fullest extent possible.

Copies of Proposed Rule and Submission of Written Comments

Copies of the emergency rule are available at <http://adminrules.wisconsin.gov>. This site allows you to view documents associated with this rule's promulgation, register to receive email notification whenever the Department posts new information about this rulemaking order, and submit comments and view comments by others during the public comment period. You may receive a paper copy of the rule or fiscal estimate by contacting:

Elaine Pridgen — Office of Legal Counsel
Department of Children and Families
201 E. Washington Avenue
Madison, WI 53707
(608) 267–9403
elaine.pridgen@wisconsin.gov

Written comments on the proposed rules received at the above address, email, or through the <http://adminrules.wisconsin.gov> web site no later than June 19, 2009, will be given the same consideration as testimony presented at the hearing.

Analysis Prepared by the Department of Children and Families

Statutory authority

Sections 49.138 and 227.11 (2) (a), Stats.

Statutes interpreted

Section 49.138, Stats.

Related statutes or rules

Section 846.35, Stats., as created by 2009 Wisconsin Act 2; Section 16.957, Stats., and Chapter Adm 45.

Explanation of agency authority

Section 49.138, Stats., provides that the Department shall implement a program of emergency assistance to needy

persons in cases of fire, flood, natural disaster, homelessness or impending homelessness, or energy crisis. There are 6 criteria under which a family may be considered to be homeless or to be facing impending homelessness. One of these criteria is if the family is without a fixed, regular, and adequate nighttime residence.

The Department shall establish the maximum amount of aid to be granted, except for cases of energy crisis, per family member.

Summary of the rule

Eligibility for tenants facing impending homelessness because of a foreclosure action

Under the current rule on Emergency Assistance, a group in rental housing that is facing impending homelessness because of a foreclosure action against their landlord is not eligible for assistance to obtain a new permanent living accommodation. To be eligible for Emergency Assistance for impending homelessness a group must be experiencing a financial crisis that makes it very difficult to make a rent payment, mortgage payment, or property tax payment and have been notified that they will be required to leave their current housing if they do not make that payment immediately.

In 2008, foreclosure filings in Wisconsin were 62% higher than in 2007 and were 249% higher than in 2006. The Joint Center for Housing Studies estimates that investor–owned one– to four–family rental properties account for nearly 20% of all foreclosures nationally. Despite the fact that low income families generally know that Emergency Assistance is not available for renters losing their housing due to a foreclosure action against the owner, at least 18 families in this situation have applied for Emergency Assistance at Milwaukee W–2 agencies in recent months.

Renters of properties in foreclosure can be even more vulnerable to homelessness than owners because tenants often have limited notice of the foreclosure and few resources to allow them to obtain replacement housing quickly. Until the recent enactment of s. 846.35 Stats., as created by 2009 Wisconsin Act 2, there was no requirement of notice to tenants in foreclosure of residential rental property. Section 846.35, Stats., provides that the plaintiff in an action for foreclosure of residential rental property must notify the tenant at filing of the action, when judgment is entered, and when the hearing to confirm the sale of the property has been scheduled. In addition, a tenant may retain possession of the rental unit for up to 2 months after the end of the month in which the sale of the property is confirmed. These new protections for tenants apply to foreclosure actions that are commenced on or after March 5, 2009. The timeline for a foreclosure action can vary widely with the redemption period ranging from 3 to 12 months. Tenants facing removal from foreclosed properties for at least the next 4 months will clearly not be covered by s. 846.35, Stats.

This emergency rule provides that a group in rental housing that is facing impending homelessness because of a foreclosure action against their landlord will be eligible for Emergency Assistance to obtain a new permanent living accommodation. To be eligible for assistance, the group must have received written or oral notice that they will be removed from their rental housing because of a foreclosure action against the owner, the removal of the group from the rental housing is scheduled to occur within 30 days, and the group needs emergency assistance to obtain a permanent living accommodation. The Wisconsin Works agency will verify eligibility.

Payment amounts for types of need other than energy crisis

Section 49.138, Stats., provides that the Department shall establish the maximum amount of aid to be granted, except for cases of energy crisis, per family member. Under the current rule, the payment amount for cases of need due to fire, flood, natural disaster, homelessness, and impending homelessness is the lowest of the following:

- The total of the maximum payment amount per group member multiplied by the number of members of the Emergency Assistance group.
- The amount requested by the group.
- The total financial need due to the emergency.

For many years, the maximum payment amount per group member has been \$150.

In 2008, there were 10,458 Emergency Assistance grants issued and 93% were cases of need due to homelessness or impending homelessness. The current grant amounts for homelessness and impending homelessness are insufficient for smaller households to obtain or retain a permanent living accommodation. A 2–person group is eligible for a grant of \$300 and a 3–person group is eligible for a grant of \$450. The Department’s analysis of housing costs for low–income families found that average rental costs are higher than \$470 for the smallest households in the counties where a majority of Emergency Assistance grants are issued, and rent does not increase proportionally with each new group member. Housing costs for families with 2 – 4 members are similar, and housing costs for families of 5 or more are similar with some increases for larger families. In SFY 08, Emergency Assistance grants issued to smaller size families of 2 to 3 members were 57% of total grants.

This emergency rule changes the payment amounts that eligible families will receive by increasing the amounts for smaller size families and decreasing the amounts for larger size families. The amounts were arrived at by attempting to make the overall fiscal impact cost neutral and within the existing amount of funds allocated for the Emergency Assistance program. The maximum payment amounts will be \$258 per group member when the group is 2 members, \$172 per group member when the group is 3 members, \$129 per group member when the group is 4 or 5 members, and \$110 per group member when the group is 6 or more members. This will result in the following total payment amounts:

2 to 4 members	\$516
5 members	\$645
6 members	\$660
7 + members	\$110 for each additional member

Notice of changes to the maximum payment amounts will be published in the Administrative Register.

The rule complies with the statutory requirement that the Department establish the maximum amount of aid to be granted per family member by having different maximum payment amounts for members of groups of different sizes.

Energy crisis

Under the current rule, an Emergency Assistance group is eligible for assistance if need has resulted from an emergency due to energy crisis, including lack of or imminent loss of essential home heating, with an immediate threat to the health or safety of the group either existing or likely to exist. The payment amount is the amount requested by the group or the total financial need due to the emergency. Financial need may include heating fuel, electricity, and repair or replacement

services necessary to obtain or maintain the basic heat and electricity requirements of an average household.

There is currently no maximum payment amount for Emergency Assistance based on need due to an energy crisis. For all other types of need, there is a maximum payment amount based on group size. The average Emergency Assistance grant for all types of need is approximately \$512. Some grants for energy crisis have been as high as \$3,300. From July 2007 to September 2008, approximately 6% of Emergency Assistance grants for energy crisis were \$1,000 or above, totaling over \$41,000.

This emergency rule establishes a maximum payment amount per group for cases of need due to energy crisis. The initial maximum payment amount will be \$500 and changes to that amount will be announced in the Administrative Register. A group is eligible for assistance if the group meets the following criteria:

- The group needs financial assistance to obtain or maintain basic heat and electricity.
- The lack or imminent loss of heat or electricity is or is likely to be an immediate threat to the health or safety of the group.
- The energy crisis is due to reasons beyond the control of an adult member of the group or constitute good cause as determined by the W–2 agency.
- The group has exhausted resources available through the Wisconsin Home Energy Assistance Program (WHEAP) and assistance available through local utility companies as required by the Public Service Commission.

The WHEAP program had \$147 million available for low income energy assistance this heating season. The total Emergency Assistance available for all types of emergency for FY 09 was initially \$6 million. Another \$1 million was added in 2009 Wisconsin Act 2.

Summary of factual data and analytical methodologies

The policy changes in this rule are based on recommendations of a workgroup comprised of representatives of W–2 agencies and advocacy groups.

Impending homelessness due to foreclosure

Section 49.138 (1m) provides that a family is homeless or facing impending homelessness if the family is not in a fixed, regular, and adequate residence. A family is not in a fixed, regular, and adequate residence if they have been notified that they will be removed from their rental housing due to a foreclosure action against the owner and the removal of the group is scheduled to occur within 30 days.

The statistics on the increase in foreclosures in Wisconsin are from *Home foreclosures up 81% in U.S., 62% in Wisconsin*, <http://www.madison.com>, January 15, 2009.

The estimate on the number of foreclosures that are one–to four–family rental properties is by Nicolas P. Retsinas, Director of the Joint Center for Housing Studies, quoted on the website of the National Coalition for the Homeless, <http://www.nationalhomeless.org/foreclosure/index.html>, March 9, 2009.

Payment amounts

The Department analysis of the housing costs of low–income families is based on data from the Food Share program for December 2007.

The executive budget bill, 2009 Assembly Bill 75, includes a proposal to eliminate the requirement that the maximum payment amount set by the Department be based on family size. The Department’s Bureau of Working Families is implementing the new payment amounts based on the current

statutory language to not delay necessary assistance to smaller low-income families.

Energy crisis

Section 49.138 (1m), Stats., provides that the Department shall establish the maximum amount of aid to be granted, except for cases of energy crisis, per family member. The statute is silent on whether the Department may establish a maximum payment amount based on any criteria other than per family member for cases of need due to energy crisis. The rule establishes a maximum payment amount per group regardless of group size.

Comparison with federal requirements

Emergency Assistance is a Temporary Assistance to Needy Families (TANF) program option available to states under previous Aid to Families with Dependent Children (AFDC) statutes to provide short-time assistance to needy families with children. Wisconsin chose to continue the Emergency Assistance program when Wisconsin repealed the AFDC program and accepted federal TANF block grant funds.

There are no federal requirements related to this emergency rule, except that TANF funds must be used to provide assistance to families with children.

Comparison with rules in adjacent states

None of the adjacent states appear to have an Emergency Assistance program that is as similar to the AFDC-related Emergency Assistance program as that of Wisconsin. These states do have a variety of crisis assistance and prevention programs that are administered in different ways. The programs are generally not limited to families with children.

Fiscal Estimate

State fiscal effect

None.

Local government fiscal effect

None.

Long-range fiscal implications

None.

Agency Contact Person

Rebecca Swartz
Bureau of Working Families
(608) 266-1717
rebecca.swartz@wisconsin.gov.

Notice of Hearing

Veterans Affairs

CR 09-026

NOTICE IS HEREBY GIVEN That pursuant to s. 45.40 (3m), Stats., and Chapter 227 of the Wisconsin Statutes, the Wisconsin Department of Veterans Affairs will hold a public hearing to consider the amendment of Section VA 2.01 (2) (a), (b), (3) (b) and (c), relating to the assistance to needy veterans grant program.

Hearing Information

The public hearing will be held:

June 18, 2009	Wis. Dept. of Veterans Affairs
Thursday	Board Room, 8th Floor
11:00 a.m.	30 West Mifflin Street
	Madison, WI

The public hearing site is accessible to people with disabilities. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please contact James A. Stewart at (608) 266-3733 or jimmy.stewart@dva.state.wi.us.

Submission of Written Comments

Written comments on the proposed rules may be submitted to James A. Stewart, 30 West Mifflin Street, P.O. Box 7843, Madison, WI 53707-7843; Phone: (608) 266-3733; E-Mail: jimmy.stewart@dva.state.wi.us

Comments should be submitted no later than July 2, 2009.

Analysis Prepared by the Wisconsin Department of Veterans Affairs

Statute interpreted

Section 45.40, Stats.

Statutory authority

Section 45.40 (3m), Stats.

Explanation of agency authority

The department is charged with administering a grant program to assist needy veterans with subsistence and health care. It provides eligible applicants with subsistence payments when a loss of income is caused by illness, injury or a natural disaster for up to 90 days following the date of the loss of income. It also provides grants for obtaining dental, hearing and vision care through private health care providers.

Related statute or rule

There is no related statute or rule.

Plain language analysis

The amendment of VA 2.01 (2) (a) will limit the period for which a subsistence aid application can be made and require the applicant to list all available assets the applicant has at the time of application for the benefit. The amendment to VA 2.01 (2) (b) will allow the use of concurrent applications in the health care aid program if written and binding quotes for the health care procedures have been submitted to the department. To facilitate the administration of concurrent applications, health care providers will be required to request payment from the department within 30 days of the last day the health care procedure may be obtained by the grantee. The amendment to VA 2.01 (3) (b) will allow applicants to apply for subsistence aid at any point in the 90 day period following the applicant's loss of income from an illness, injury or natural disaster. The amendment to VA 2.01 (3) (c) will update the restrictions identified in the program in accordance with the amendments to the statute enacted in 2007.

Comparison with federal regulations

There is no current or pending federal regulation which would provide subsistence or health care aid for the eligible veterans under this program.

Comparison with rules in adjacent states

There are no similar rules in adjacent states.

Summary of factual data and analytical methodologies

County veterans service officers, veteran service organizations and department staff reviewed historical data to determine whether existing application procedures for the Assistance for Needy Veterans Grant program adequately addressed the needs identified by veterans and health care providers. The review identified issues related to the application process for the subsistence aid grant, including the need for an application period which was concurrent with the emergent period covered by the grant and additional flexibility for making an application following the first 30 day

period of the 90 day period covered by the grant. The report also identified issues related to concurrent applications for health care aid related to tracking income limitations while providing eligible veterans the ability to access multiple health care needs. These needs were summarized in a report to the Secretary of the department and presented to the Board, with recommended actions, in June, 2008.

Analysis and supporting documents used to determine effect on small business

No analysis was performed regarding an economic impact statement.

Small Business Impact

These rules do not appear to have any effect upon small businesses, nor any significant fiscal impact upon the private sector.

Fiscal Estimate

Summary

The proposed rule amendment will show a decrease in the department's denial rate of the grant for eligible veterans. The only data available to estimate the fiscal effect are the number of grant applications denied in FY08 because the veteran failed to submit an application within the required 30-day time limit. Available data shows that 40 of the 127 SAG applications disapproved in FY08 were denied for not meeting the 30-day limit. The average SAG grant in FY08 was \$1,997. Consequently, the proposed rule change would increase projected SAG expenditures by at least \$79,900 (40 x \$1,997).

The base level funding for SAGs is \$172,000 per fiscal year. A total of \$119,800 in SAGs were approved in FY08. The increased funding needed to cover the estimated 40 additional SAGs is \$27,700 (\$199,700 – \$172,000).

Please contact James A. Stewart, 30 West Mifflin Street, P.O. Box 7843, Madison, WI 53707-7843 or Phone: (608) 266-3733 or E-Mail: jimmy.stewart@dva.state.wi.us to request a copy of the fiscal estimate.

State fiscal effect

Increase costs. Will not be possible to absorb within the agency's budget.

Local government fiscal effect

None.

Fund sources affected

SEG.

Affected ch. 20 appropriation

Section 20.485 (2) (vm), Stats.

Agency Contact Person

James A. Stewart, Chief Legal Counsel
30 West Mifflin Street
P.O. Box 7843
Madison, WI 53707-7843
Phone: (608) 266-3733
Email: jimmy.stewart@dva.state.wi.us

Text of Proposed Rules

SECTION 1. VA 2.01 (2) (a) is amended to read:

VA 2.01 (2) GRANT APPLICATION. (a) *Forms required.* A grant application shall be submitted on a department approved form. It may be submitted through a county veterans service officer, through any other department authorized agent, or directly to the department, either manually or

electronically. The application shall specify the type of care being requested and if the care requested is subsistence aid, the application must be submitted no later than the 91st day following the verified loss of income due to illness, injury or natural disaster. A declaration of aid shall be submitted with the application. The declaration shall state that the applicant has applied for all aid offered through or administered by the county, including aid from the federal or state government and shall list all assets available to the applicant or the applicant's family. If requested by the department the applicant shall submit evidence establishing that all other available aid has been applied for and accepted. The department may request additional verification of any information provided in the application. The department shall notify the applicant or applicant's county veterans service officer if any required documentation is missing or if further verification is required to make a decision on the applicant's eligibility. The department shall terminate an application if such documentation or verification does not arrive at the department's central office within 30 days of that notification.

SECTION 2. VA 2.01 (2) (b) (1) is amended to read:

VA 2.01 (2) GRANT APPLICATION (b) *Eligibility.* 1. 'All applicants.' Except for applicants who are eligible under subd. 3., the applicant's income shall not exceed 130% of the federal poverty guidelines, in effect on the date the application arrives at the department's central office, for the number of family members living in the primary residence. An applicant may apply for subsistence aid, health care aid, or both. Applications approved by the department shall have the balance of the maximum available aid allocated towards each type of aid requested, unless the applicant indicates a lesser amount in writing. Applications shall be denied if no unallocated funds are available at the time of application. The department shall indicate on each description of benefits the type of health care or subsistence aid authorized, the date the department confirmed that the applicant was eligible for the grant, a date 90 calendar days from that date, the unallocated amount available for each type of aid and for the cumulative limits of this section, and the amount of aid being authorized. No more than one description of benefits may be outstanding at any time, except where all health care providers have submitted binding quotes prior to the issuance of more than one description of benefits, and are willing to accept payment from this program in full for any service rendered to the applicant in accordance with the description of benefits. The department shall pay the lesser of the actual cost of services invoiced or the binding quote submitted by the health care provider. No payment shall be made by the department unless an itemized written invoice is received by the department within 30 days of the expiration date, or any approved extension of that expiration date, as identified in the applicable description of benefits. Authorized applications for health care aid may not be withdrawn without the agreement of the provider of the health care aid.

SECTION 3. VA 2.01 (3) (b) is amended to read:

VA 2.01 (3) LIMITATIONS (b) *Subsistence aid.* ~~Subsistence aid may be granted for a thirty-day period if an applicant presents evidence of a loss of income due to illness, injury, or a natural disaster. Subsistence aid may also be granted for a 3-month period if the applicant presents evidence that incapacitation will last for 3 or more months is available for the 90 day period following the date of the verified loss of income due to illness, injury or a natural disaster. Applications may be made for any 30 day period within the 90 days following the date of the verified loss of income. No more than three 30 day periods of subsistence aid~~

may be granted for any verified loss of income due to illness, injury or natural disaster. No subsistence aid will be granted for any period prior to the date the application for subsistence aid is received. Subsistence aid shall be limited to the difference between the amount of earned and unearned income available before the loss of income and the earned and unearned income being received after the loss of income, subject to the limitations under s. 45.40 (1) (b) and (3), Stats. The applicant shall verify the loss of income by submitting verification of income forms, certified public accounting statements or any other evidence as the department deems credible. Illness or injury must be verified in writing on a form approved by the department. When the department has evidence that the incapacitation will cause an income loss for ~~3 months~~ 90 days or longer, subsistence grants will be prorated for each of the ~~3 months~~ 30 day periods unless the department determines that an alternate distribution of the grant would benefit the applicant. If the loss of income is the result of alcohol or other drug abuse, the applicant shall verify

current participation in an approved treatment program.

SECTION 4. VA 2.01 (3) (c) is amended to read:

VA 2.01 (3) LIMITATIONS (c) *Restrictions*. Aid granted for subsistence or health care under s. 45.40, Stats., is subject to a ~~\$5,000~~ 7,500 cumulative total based on the aid granted to a veteran and his or her spouse and dependents. The maximum amount of subsistence aid payable in a consecutive 12-month period is ~~\$2,500~~ 3,000 for dental care, ~~\$1,500 per ear for hearing care,~~ and ~~\$500 for vision care.~~ The department may provide a grant only if the provider accepts the grant, available health insurance, third party payments on behalf of the applicant and any department-approved payment from the veteran as payment in full. The department may approve a payment by the veteran when a provider refuses to accept the maximum grant available to the veteran as payment in full if the veteran has sufficient available liquid assets to contribute an amount that will induce the provider to accept the aggregate payment as payment in full.

Submittal of Proposed Rules to the Legislature

Please check the Bulletin of Proceedings — Administrative Rules for further information on a particular rule.

Agriculture, Trade and Consumer Protection

CR 09-002

A rule-making order to revise Chapter ATCP 139, relating to consumer product safety.

Commerce

Licenses, Certifications and Registrations, Ch. Comm 5

CR 08-110

A rule-making order to revise Chapter Comm 5, relating to building contractor registration.

Medical Examining Board

CR 09-006

A rule-making order to revise Sections Med 8.08 and 8.10, relating to prescribing limitations for physician assistants.

Natural Resources

Fish, Game, etc., Chs. NR 1—

CR 08-074

A rule-making order to create Chapter NR 40, relating to the identification, classification and control of invasive species.

Revenue

CR 08-065

A rule-making order to create Section Tax 8.03, relating to wine collectors and Section Tax 8.05, relating to small winery cooperative wholesalers.

Rule Orders Filed with the Legislative Reference Bureau

The following administrative rule orders have been filed with the Legislative Reference Bureau and are in the process of being published. The date assigned to each rule is the projected effective date. It is possible that the publication date of these rules could be changed. Contact the Legislative Reference Bureau at bruce.hoesly@legis.wisconsin.gov or (608) 266-7590 for updated information on the effective dates for the listed rule orders.

Corrections CR 08-105

Creates Section DOC 332.20, relating to establishing a reimbursement fee to offset the costs of monitoring persons subject to global positioning system tracking or passive positioning system tracking.
Effective 7-1-09.

Health Services

Management and Technology and Strategic Finance, Chs. DHS 1—

CR 08-098

Revises Chapter DHS 12, relating to background checks of individuals who provide personal care services.
Effective 7-1-09.

Health Services

Management and Technology and Strategic Finance, Chs. DHS 1—

CR 08-109

Revises Section DHS 10.23 (2) (d) 2., relating to confidentiality requirements of the Family Care program that prohibits benefit specialists from disclosing personally identifying information about a client without the client's informed consent, unless required by law.
Effective 7-1-09.

Health Services

Medical Assistance, Chs. DHS 101—

CR 08-108

Revises Section DHS 105.17 (1), relating to benefits covered by the Wisconsin Medical Assistance program.
Effective 7-1-09.

Insurance CR 08-107

Revises Section Ins 2.07, relating to replacement of life insurance or annuity contracts and disclosure requirements.
Effective 7-1-09.

Insurance CR 08-112

Revises Section Ins 3.39, relating to Medicare supplement and replacement insurance.
Effective 7-1-09.

Natural Resources

Environmental Protection — General, Chs. NR 100— CR 08-063

Revises Chapters NR 190, 191, 195, and 198, relating to lake management planning, lake protection and river protection grants, and aquatic invasive species prevention and control grants.
Effective 7-1-09.

Volunteer Fire Fighter — Emergency Medical Technician Service Award Board CR 08-033

Revises Chapter VFF-EMT 1, relating to the service award program for volunteer fire fighters, first responders, and emergency medical technicians.
Effective 7-1-09.

Workforce Development

Public Works Construction Contracts, Chs. DWD 290-294

CR 09-001

Revises Section DWD 290.155 (1), relating to adjustment of thresholds for application of prevailing wage rates.
Effective 7-1-09.

Rules Published with this Register and Final Regulatory Flexibility Analyses

The following administrative rule orders have been adopted and published in the May 31, 2009, Wisconsin Administrative Register. Copies of these rules are sent to subscribers of the complete Wisconsin Administrative Code and also to the subscribers of the specific affected Code.

For subscription information, contact Document Sales at (608) 266-3358.

Commerce

Licenses, Certifications and Registrations, Ch. Comm 5

CR 08-092

Revises Section Comm 5.73, relating to liquefied gas suppliers. Effective 6-1-09.

Summary of Final Regulatory Flexibility Analysis

The rules implement the licensing mandates imposed by 2007 Wisconsin Act 203. The primary businesses affected by these licensing mandates are suppliers who fill propane gas cylinders. This would include bulk gas suppliers, cooperatives, hardware stores and camp grounds. The department does not believe that the rules will increase the effect on small businesses over that imposed by the Act.

Summary of Comments by Legislative Review Committees

No comments were received.

Commerce

Uniform Dwelling, Chs. Comm 20-25

Wis. Commercial Building Code, Chs. Comm 60-66

CR 08-085

Revises Chapters Comm 20, 21, 62 and 66, relating to carbon monoxide alarms. Effective 6-1-09.

Summary of Final Regulatory Flexibility Analysis

The rules implement the mandates imposed by 2007 Wisconsin Act 205. The Act establish requirements for the installation and maintenance of carbon monoxide alarms in buildings accommodating residential type occupancies where people sleep or lodge, excluding hospitals and nursing homes. The department does not believe that the rules will increase the effect on small businesses over that imposed by the Act.

Summary of Comments by Legislative Review Committees

No comments were received.

Commerce

Financial Resources for Businesses and Communities, Chs. Comm 104-

Housing Assistance, Chs. Comm 150-

CR 08-096

Revises Chapters Comm 108 and 154, relating to emergency assistance grants in the Community Development Block Grant (CDBG) Program. Effective 6-1-09.

Summary of Final Regulatory Flexibility Analysis

Pursuant to section 227.19 (3m) of the Statutes, the Department has determined that the rules that repeal limits on

emergency assistance grants in the CDBG Program will not have a significant impact on a substantial number of small businesses.

Summary of Comments by Legislative Review Committees

No comments were received.

Health Services

Community Services, Chs. DHS 30-

CR 06-080

Creates Chapter DHS 35, relating to outpatient mental health clinics. Effective 6-1-09.

Summary of Final Regulatory Flexibility Analysis

The rules will affect a substantial number of small businesses, but will not have a significant economic impact on those businesses. In modifying the final rule, the Department worked diligently to balance the concerns of varying organizations and individuals who have competing perspectives and opinions on the rules. The modified rule represents compromise from the Department, providers, mental health advocates and others. While it was impossible to reach consensus from all parties involved, we are confident the revised rule strikes a good balance.

Summary of Comments by Legislative Review Committees

The Senate Committee on Health, Human Services, Insurance and Job Creation held a public hearing on September 18, 2008. On September 25, 2008, the Senate Committee on Health, Human Services, Insurance and Job Creation requested modifications in specific areas of the rule. Per the Committee's instructions, the Department solicited input from affected stakeholders and worked with stakeholders to address the concerns they brought forward. Based on input from stakeholders, the Department made several modifications to the rule, and on December 15, 2009, submitted the modifications to the Senate Committee, and the Assembly Committee on Public Health. No comments were received and no further action was taken by either Committee.

Health Services

Community Services, Chs. DHS 30-

CR 08-097

Revises Chapter DHS 97, relating to complaint procedures for inmates of the Wisconsin Resource Center. Effective 6-1-09.

Summary of Final Regulatory Flexibility Analysis

The rule does not affect businesses.

Summary of Comments by Legislative Review Committees

No comments were received.

Health Services
Health, Chs. DHS 110—
CR 08–082

Revises Chapter DHS 119, relating to training in the use of automated external defibrillators for emergency medical technicians, first responders, and individuals who provide instruction to emergency medical technicians and first responders, and affecting small businesses. Effective 6–1–09.

Summary of Final Regulatory Flexibility Analysis

The rules will not have a significant economic impact on a substantial number of small businesses.

Summary of Comments by Legislative Review Committees

No comments were received.

Natural Resources
Fish, Game, etc., Chs. NR 1—
CR 08–062

Revises Chapter NR 47, relating to the administration of the urban forestry catastrophic storm grant program. Effective 6–1–09.

Summary of Final Regulatory Flexibility Analysis

Small business may benefit as a result of the new grant program. Grant recipients may contract with small businesses in Wisconsin for equipment sales, consulting services, providing diverse nursery stock, along with removal, remediation and tree utilization efforts.

Summary of Comments by Legislative Review Committees

The rules were reviewed by the Senate Committee on Environment and Natural Resources and the Assembly Committee on Natural Resources. The Department did not receive any comments or requests for modification.

Natural Resources
*Environmental Protection — Wis. Pollutant Discharge
Elimination System, Chs. NR 200—*
CR 08–076

Revises Chapter NR 219, relating to analytical test methods and procedures. Effective 6–1–09.

Summary of Final Regulatory Flexibility Analysis

The rule does not have a significant economic impact on a substantial number of small businesses. The small businesses

impacted by the rule are commercial laboratories that perform compliance monitoring for WPDES permittees. The vast majority of these laboratories have previously implemented use of newer analytical methods that were retained in Tables A–EM of this chapter. For most parameters where small businesses may have to update their method references, the Department has maintained at least one method from the current language. There were only four specific techniques eliminated— three of these included mercury-containing reagents for which other alternatives using similar techniques were retained. Hexane extractable materials, an alternative to the freon extraction for oil and grease, has been in use by laboratories for over a decade. All of the small businesses that perform oil and grease determinations currently maintain certification for the hexane method. The Department no longer offers certification for the freon extraction method.

Sample preservation requirements for tests that are typically considered field parameters and are not required to be performed by certified laboratories, were clarified so there is no question as to whether data from these time-sensitive tests is valid. The hold times for hexavalent chromium and polychlorinated biphenyls (PCBs) increased; this will allow small businesses more flexibility in scheduling and performing these analyses. Clarification of procedures for potential interferences in cyanide analyses will allow small business laboratories to continue to perform these analyses in 14 days without requiring investment in new instrumentation required to conduct these analyses.

Summary of Comments by Legislative Review Committees

The legislative review period expired on March 11, 2009. On March 11, 2009, it was reported that the assigned Senate Committee took no action on the final rule.

Transportation
CR 08–113

Revises Sections Trans 126.01, 126.02, and 126.04, relating to municipal or county vehicle registration fee. Effective 6–1–09.

Summary of Final Regulatory Flexibility Analysis

This rule has no effect on small businesses.

Summary of Comments by Legislative Review Committees

No comments were reported.

Sections Affected by Rule Revisions and Corrections

The following administrative code sections had rule revisions and corrections take place in **May 2009**, and will be effective as indicated in the history note for each particular section. For additional information, contact the Legislative Reference Bureau at (608) 266-7590.

Revisions

Commerce

Ch. Comm 5

Comm 5.003 (26x)

Comm 5.01 (4) (h)

Comm 5.02 Table

Comm 5.06 Table

Comm 5.73

Ch. Comm 20

Comm 20.24 (1), (2), Table 20.24-14

Ch. Comm 21

Comm 21.097

Ch. Comm 40

Comm 40.43

Comm 40.44 (intro.)

Ch. Comm 62

Comm 62.1200

Comm 62.3500 (3) (e), (f)

Ch. Comm 65

Comm 65.0300

Ch. Comm 66

Comm 66.0911

Ch. Comm 108

Comm 108.06 Table 108.06-1

Comm 108.07 (5)

Comm 108.22 (1)

Ch. Comm 154

Comm 154.06 (intro.)

Health Services

Ch. DHS 35 (Entire Chapter)

Ch. DHS 61

DHS 61.91 to 61.98

Ch. DHS 97 (Entire Chapter)

Ch. DHS 105

DHS 105.22 (1) (bm), (c), (d), (2), (3)

Ch. DHS 107

DHS 107.13 (2) (a)

Ch. DHS 119 (Entire Chapter)

Natural Resources

Ch. NR 47

NR 47.005 (1)

NR 47.007 (1)

NR 47.008 (1)

NR 47.950 to 47.959

Ch. NR 219

NR 219.04 (2), (3) (intro.), (4), Tables A, B, C to EM, F

Transportation

Ch. Trans 126

Trans 126.01 (2)

Trans 126.02 (2), (3) (d), (4), (6), (8)

Trans 126.04 (title), (1), (2), (2m), (3) (title)

Editorial Corrections

Corrections to code sections under the authority of s. 13.92 (4) (b), Stats., are indicated in the following listing.

Commerce

Ch. Comm 5

Comm 5.12 (2) (h)

Comm 5.99 (1)

Ch. Comm 21

Comm 21.097 (Entire Section)

Ch. Comm 62

Comm 62.1200 (4)

Ch. Comm 65

Comm 65.0202 (1)

Health Services

Ch. DHS 119

DHS 119.03 (3) to (5)

Natural Resources

Ch. NR 219

NR 219.05

Sections Affected by Corrections Not Published

Corrections under s. 13.92 (4) (b), Stats., identified in this Wis. Adm. Register.

Subscriber's note: Please make corrections (manually) in your printed code. The affected sections are shown as corrected on the Legislative Reference Bureau Internet site, [Http://www.legis.state.wi.us/rsb/](http://www.legis.state.wi.us/rsb/), and on the WisLaw® CD-ROM. Printed code will be shown as corrected in its next printing.

Location of Agency Reference and/or Cross-Reference	Outdated Agency Reference / Invalid Cross-Reference	Correction
NR 120.17 (2) (o)	Chs. ATCP 32 and 33	Ch. ATCP 33
NR 153.15 (2) (r)	Chs. ATCP 32 and 33	Ch. ATCP 33
NR 155.15 (2) (m)	Chs. ATCP 32 and 33	Ch. ATCP 33

Executive Orders

The following are recent Executive Orders issued by the Governor.

Executive Order 278. Relating to the Creation of Job Opportunities in Wisconsin.

Executive Order 279. Relating to the Creation of Reentry Task Force.

Executive Order 280. Relating to a Proclamation Declaring a Public Health Emergency.

Executive Order 281. Relating to a Proclamation that the Flag of the United States and the Flag of the State of Wisconsin be Flown at Half-Staff as a Mark of Respect for Peace Officers Who Have Given Their Lives in the Line of Duty.

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